

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2008CP3589
)
RAYMOND WILLIAMS)	ALS NO.: 09-0399
)
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Marti Baricevic, Robert S. Enriquez, and Greg Simoncini, presiding, upon the Petitioner's Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")¹ of Charge No. 2008CP3589, Raymond Williams ("Petitioner"); and the Commission having reviewed *de novo* the Respondent's investigation file, including the Investigation Report and the Petitioner's Request and supporting materials, and the Respondent's response to the Petitioner's Request, and the Petitioner's Reply; and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

LACK OF SUBSTANTIAL EVIDENCE

In support of which determination the Commission states the following findings of fact and reasons:

1. The Petitioner filed a charge of discrimination with the Department on June 16, 2008. The Petitioner alleged Harris, N.A. (the "Bank") denied him the full and equal enjoyment of its facilities and services in retaliation for having opposed unlawful discrimination, in violation of Section 6-101(A) of the Illinois Human Right Act (the "Act"). On June 24, 2009, the Respondent dismissed Petitioner's charge for Lack of Substantial Evidence. On July 28, 2009, the Petitioner filed his timely Request, and on October 13, 2009, the Petitioner filed a timely Reply to the Respondent's Response.
2. In February of 2008, the Petitioner complained to the Bank management that he had received poor customer service from the Bank's employees, and that he had been "slighted" by its employees. In his charge of discrimination, the Petitioner does not allege he received poor customer service or was "slighted" based on any protected status as defined by the Act. There is no evidence in the file the Petitioner complained to the Bank that he had been poorly treated by the Bank's employees based on a protected status.

¹ In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

3. On or about February or March of 2008, the Bank told the Petitioner not to return to its Summit, Illinois branch location because the Bank alleged the Petitioner had engaged in harassing and abusive conduct towards both the Bank's employees and its customers.
4. In the Petitioner's Request and Reply, the Petitioner asserts for the first time that the Bank discriminated against him because of his race, Black.
5. The Respondent states that a *prima facie* case of retaliation requires evidence the Petitioner engaged in a protected activity, that the Bank committed an adverse act against the Petitioner, and that there is a causal connection between the protected activity and the adverse action, *citing to Welch v. Hoeh*, 314 Ill.App.3d 1027, 1035, 733 N.E.2d 410, 416 (3rd Dist. 2000). In this case, the Respondent asks that the Commission sustain its dismissal of the Petitioner's charge for lack of substantial evidence because there is no substantial evidence the Petitioner engaged in a protected activity.

CONCLUSION

The Commission's review of the investigation file leads it to conclude the Respondent properly dismissed the Petitioner's charge for Lack of Substantial Evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. See 775 ILCS 5/7A-102(D).

The Commission agrees with the Respondent's determination that there is no substantial evidence the Petitioner engaged in a protected activity.

The Act gives the Commission jurisdiction over claims of "unlawful discrimination," which is defined as . . . discrimination against a person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, or unfavorable discharge from military service" . . . See 775 ILCS 5/1-103(Q).

Section 6-101(A) of the Act provides in part that . . . "[it] is a civil rights violation . . . [to] [r]etaliat[e] against a person because . . . she has opposed that which . . . she reasonably believes to be unlawful discrimination" . . .

The evidence shows the Petitioner complained generally of poor customer service and "slights" by Bank employees. The Petitioner does not allege in his charge that he was treated poorly because of any protected status. There is no evidence in the file that prior to being banned from the Bank's Summit, Illinois branch location, the Petitioner had complained to the Bank of unlawful discrimination.

The Commission cannot consider the Petitioner's allegation, raised for the first time in his Request, that he was denied the use and enjoyment of the Bank's facilities because of his race. The Commission does not have jurisdiction to review new allegations or charges raised for the first time in a request for review. See 775 ILCS 5/8-103.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of his charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Harris, N.A. as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

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Entered this 24th day of February 2010.

Commissioner Marti Baricevic

Commissioner Robert S. Enriquez

Commissioner Gregory Simoncini